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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,390	09/16/2003	Hiroshi Nakashima	0879-0415P	2177
2292	7590	03/08/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VARGOT, MATHIEU D	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/662,390	NAKASHIMA, HIROSHI	
	Examiner	Art Unit	
	Mathieu D. Vargot	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/16/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

1.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by either of Japanese Patents 4-286,611 or 11-48,271 or the admitted prior art disclosed at page 1, lines 8-11 of the instant specification.

Both of the applied Japanese references teach a cellulose acylate film which is produced in a method which prevents the occurrence of irregularities or wrinkles in the film using methods which are similar to the instant in some manner. Japanese –611 keeps the solvent content of the film at 10% or less, a level near the instant range of 3-8%, during the drying and employs a drying temperature which substantially overlaps the instant range. Japanese –271 employs a width-wise stretching when the solvent content is 10% or less. However, the patentability of product-by-process claims depends on the product limitations and not the exact process by which the product is made. In the instant case, the films made in either of the applied Japanese references would inherently meet the structural limitations of the film claimed and would inherently function as a sheet polarizer or a film for a liquid crystal display. Also, it should be noted that applicant admits that a cellulose triacetate film is known in the prior art for use as a film for a liquid crystal display or as a compensating film –ie, polarizer—and there is no evidence of record that the prior art films do not meet the instant claims.

2.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as set forth at page 1, lines 8-20 of the instant specification in view of Japanese Patent 4-286,611.

The admitted prior art discloses that the basic claimed method for making a cellulose triacetate film used as a polarizer or film for a liquid crystal display is known in the art, the prior art essentially lacking the exact particulars as set forth in the “wherein” clause at the end of instant claim 1. Japanese Patent –611 is applied essentially for reasons as set forth in paragraph 1, supra, the reference disclosing solvent concentrations (ie, less than 10%) near the general range (ie, 3-8%) at the beginning of the roll drying and a temperature of the film during the roll drying which does overlap the instant temperature range. The only aspect lacking would be a clear teaching that the rate of expansion of the film in the conveying direction is kept as small as possible, and may even be negative—ie, -2%-3%. It is well known that the rate of stretching in the conveying direction is normally solvent concentration dependent. Since the solvent concentration is low, little extension would be possible. Further, given that no attempt is made to stretch the film in such a direction, it would seem rather obvious that the rate of expansion in the conveying direction would be small if in fact any at all is seen. Indeed,

if the film is being pulled in the widthwise direction, it would seem more plausible that there would be shrinkage (ie, negative expansion) in the conveying direction. However, the degree of such expansion would readily have been within the instant range based on normal operating constraints. With a low solvent concentration, one would not expect any significant longitudinal extension during the roll drying since such is not being employed. It would have been obvious to have modified the admitted prior art as taught by Japanese Patent –611 to ensure that the film is wrinkle-free. The product claims have been additionally rejected under 103, in that if they are not anticipated, then surely they are obvious.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
March 4, 2006


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

3/4/06